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ABSTRACT

This guide for North Dakota parents provides an overview of the special education process and the rights of students with disabilities and their families. Section 1, "The Special Education Process," provides answers to questions on the following topics that parents might have about the special education process: special education referral, prior written notice to parents, consent requirements, student evaluation, independent educational evaluation, Individualized Education Programs (IEPs), and student records. A chart detailing each step of the special education process and the applicable parent and school district roles is included. Section 2, "Procedural Safeguards," discusses parent participation, prior written notice, parental consent, student records, evaluation procedures, least restrictive environment, and educational surrogate parents. Concerns that the parent may have about mediation, complaints, due process hearings, discipline, and private school placement are also addressed. The last section, "Glossary and Additional Resources," lists special education abbreviations, state resources, other advocacy organizations, and relevant publications. Appendices include an IEP meeting organizer and an IEP form for students aged 6-13, an IEP form for students aged 3-5, and a transition IEP form for students aged 14-21. (CR)

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# SPECIAL EDUCATION IN NORTH DAKOTA

**North Dakota Department of Public Instruction**
***Dr. Wayne G. Sanstead, State Superintendent***
**Office of Special Education**
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440

701-328-2277 (Voice)
701-328-4920 (TDD)
701-328-4149 (Fax)

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## *Parent Guide to Special Education*



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## First Contact

As parents of a child with disabilities, you will be actively involved in the decision making process that is necessary for special education. Many parents who have been long involved in special education with their own children have shared some valuable advice to make this guide helpful to you.

These parents have told us how valuable it was for them, and will be for you, to begin this process with as much information as possible at the point of "first contact." It is the responsibility of the school to explain and make sure that you fully understand the special education process, including your rights. At any time, feel free to ask questions! Your knowledge and input will better benefit your child, and help all of us work together more effectively.

**NOTE**

**Following are some commonly used abbreviations used in the *Parent Guide to Special Education:***

**IDEA:** Individuals with Disabilities Education Act

**IEP:** Individualized Education Program

**LRE:** Least Restrictive Environment

***A more extensive glossary of terms and abbreviations begins on page 24.***

*Guidelines: Parent Guide to Special Education...*
was produced by the Office of Special Education, North Dakota Department of Public Instruction.

Lori Anderson
Heidi Bergland
Valerie Fischer
Gary Gronberg
Jeanette Kolberg
Ralph Messmer
Cheryl Moch
Jean Newporg
Brenda Oas
Mary Rose
Robert Rutten
Colleen Schneider
Nancy Skorheim
Michelle Souther
Mariel Zeller

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## Introduction

You've recently learned that your child may have a disability. You may be experiencing a variety of feelings ranging from fear and confusion to anger or even relief.

The United States has a powerful law designed to ensure that all children with disabilities in our country receive a free and appropriate education. The law is known as the Individuals with Disabilities Education Act, or IDEA. An updated version, IDEA 97, seeks to improve student performance and ensure quality education by requiring and supporting a communicative partnership of all parties involved in the student's education. The new legislation strengthens the roles of parents, students, and educational service providers to work as a team under the umbrella of the Office of Special Education Programs (OSEP), United States Department of Education.

Importantly, IDEA supports parents' participation in their children's education. With a clear understanding of IDEA and your rights, you will be better prepared to take an active role in your child's education. This role involves close collaboration with your school district as you develop an appropriate educational program for your child.

The Department of Public Instruction (DPI) has written this guide for parents to answer the kinds of questions you may have as you begin to take part in the special education process in North Dakota. Ultimately, your knowledge and understanding will help your child benefit from a cooperative support system that includes a partnership between home and school.

This guide has three sections, each with a different purpose. The first part gives you the "big picture" regarding the entire special education process. Part two presents a detailed explanation of your procedural safeguards, more commonly referred to as rights. Finally, this guide has a glossary of the many terms unique to special education that you may need to understand. This final section begins on page 24 and will also give you the names of other agencies you can contact for additional information about your role and responsibilities. You may want to contact some of these agencies for suggestions about how to be an effective member of your child's educational team.

**EXPLANATORY NOTE**

The terms *evaluation* and *assessment* are used interchangeably by the United States Department of Education. *Assessment* is defined as formal tests, interviews and observations of your child. The term *evaluation* includes assessment procedures used to determine whether your child has a disability and needs special education and related services. The term evaluation describes the overall decision-making process in special education. Further information regarding evaluation and assessment is included in the Department of Public Instruction document, *Guidelines: Evaluation Process.*

## The Special Education

*If any terms used in this table are unfamiliar to you, refer to the glossary beginning on page 24.*

### *What happens if my child is having trouble in school?*

| STEP IN THE PROCESS | PARENT ROLE | SCHOOL DISTRICT ROLE |
|---|---|---|
| **Before A Request for Assistance Is Made** | • Contacts teacher to discuss any concerns<br>• Provides any information that might be helpful<br>• Carries out teacher's suggestions for helping child at home<br>• Asks for Building Level Support Team (BLST) assistance<br>• Actively participates in the BLST process<br>• Makes written request for evaluation for a suspected disability, if needed | • Contacts parent for information<br>• Attempts different strategies and documents results<br>• Uses BLST to generate additional ideas, if needed<br>• BLST suggests new interventions and documents results in writing, if needed<br>• Makes a referral for evaluation if the child is suspected of having a disability |
| **Referral** | • Receives copy of procedural safeguards information<br>• Asks questions about procedural safeguards as appropriate<br>• Asks for information about parent support resources, if desired<br>• Gives informed written consent for evaluation | • Contacts parent, explains referral process and provides a copy of *Parent Guide to Special Education*<br>• Explains procedural safeguards to parent and answers questions<br>• Asks parent for consent to evaluate |
| **Evaluation** | • Provides information for evaluation process, (for example, medical, family, and educational history; observations of child's strengths and needs)<br>• Actively participates in the evaluation planning process<br>• Actively participates in the decision-making process regarding whether child has a disability under IDEA | • Initiates the assessment planning process with the multidisciplinary team, including parent<br>• Conducts and completes the team assessment<br>• Summarizes and interprets evaluation results with parents<br>• Determines with parent whether the child has a disability under IDEA<br>• Informs parent of the right to an independent evaluation if parent disagrees with the district's evaluation |
| **Before the Individualized Education Program (IEP) Meeting** | • Reviews parent role and responsibilities as a team member<br>• Contacts parent information resources, if desired<br>• Begins writing questions, suggestions, and concerns to bring to the IEP meeting | • Notifies parent of IEP meeting and who will participate<br>• Determines mutually agreed upon time and place for the meeting<br>• Gathers relevant information to share with team members |
| **During the IEP Meeting** | • Shares information about child's strengths and needs<br>• Participates in development of goals and objectives<br>• Determines jointly the appropriate special education and related services to be provided<br>• Gives written consent for child to receive special education and related services | • Responds to questions parent may have<br>• If child is eligible and needs special education services, jointly develops IEP which includes:<br>— Child's strengths and needs<br>— Annual goals and short term objectives<br>— Appropriate special education and related services<br>*——OR——*<br>• If child does not need special education services under IDEA:<br>— Determines appropriate modifications and/or interventions<br>— Considers eligibility for services under Section 504, Title I, or other support services |

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| STEP IN THE PROCESS | PARENT ROLE | SCHOOL DISTRICT ROLE |
|---|---|---|
| **Annual Review** | • Gathers school papers and other information that may be helpful at the meeting<br>• Reviews procedural safeguards information if needed<br>• Reviews child's progress on current IEP goals and objectives<br>• Writes down ideas for new goals and objectives | • Provides notice to parent of the IEP annual review<br>• Gathers and reports information on child's progress<br>• Reviews current IEP<br>• Discusses need for extended school year services with parent |
| **Reevaluation** | • Requests an evaluation sooner than three years if necessary, especially if there is a change in child's functioning in the home and community<br>• Reviews procedural safeguard information<br>• Gives informed written consent for reevaluation<br>• Actively participates in the evaluation planning process<br>• Provides information on child's functioning in the home and community<br>• Provides helpful medical or other information | • Requests an evaluation sooner than three years if necessary, especially if there is a change in child's functioning in the school and community<br>• Notifies parent that a three-year reevaluation needs to be done<br>• Provides copy of Procedural Safeguards booklet to parent and explains it<br>• Asks parent for consent to reevaluate<br>• Informs parent of the right to an independent evaluation if parent disagrees with the district's evaluation<br>• Involves parent in the evaluation process |
| **Independent Educational Evaluation** | • Informs school in writing of any disagreement with the school's evaluation<br>• Assists in the identification of the independent evaluator(s)<br>• Obtains independent educational evaluation | • Informs parent of their right to an independent evaluation if there is disagreement about the school's evaluation<br>• Provides information about where an independent evaluation can be obtained<br>• Pays for the independent educational evaluation or determines need for mediation and/or due process hearing if the assessment team feels that the school's evaluation is fair and accurate |

## Answers to Questions You Might Have About the Special

*What is the purpose of the Individuals with Disabilities Education Act (IDEA)?*

The major purposes of the IDEA are:

- to ensure that all children with disabilities have available to them a free appropriate public education that includes special education and related services designed to meet their unique needs;
- to ensure that the rights (procedural safeguards) of children and youth with disabilities and their parents are protected;
- to assist states and school districts in providing for the education of all children and youth with disabilities; and
- to measure and improve the effectiveness of efforts to educate children with disabilities.

*What are procedural safeguards?*

Procedural safeguards for children and parents are precautions taken to insure that an individual's rights are not denied.

*What is a free appropriate public education?*

Under the law, a free appropriate public education (FAPE) means special education and related services that:

- are provided to children and youth with disabilities at public expense, under public supervision and direction, and without charge to the parents;

## BUILDING LEVEL SUPPORT TEAMS (BLST)

**Building Level Support**

Building Level Support Teams, or BLST as they are commonly called, provide a process for school building teams to analyze needs and clarify school support systems for teachers, students and parents.

The primary goals of BLST are to:

- assist classroom teachers and other support individuals with advice, strategies, and support; and
- provide interventions before recommending an evaluation or considering referral to special education.

- meet the standards of the state education agency, including the requirements of the IDEA;
- include preschool, elementary, and secondary school education in North Dakota; and
- are provided according to requirements for the individualized education program.

*Who is eligible for services under the IDEA?*

The regulations for IDEA define "children with disabilities" as including children (a) who have been evaluated in accordance with IDEA requirements; (b) who have been determined through this evaluation to have one or more of the disabilities included in IDEA; and (c) who, because of their disability, need special education and related services.

*If my child is not eligible for or in need of special education services under IDEA, is other help available from the school?*

If your child is not eligible under IDEA, but does have a disability, your child may be eligible for help under Section 504. Section 504 is a civil rights act that protects the rights of people with disabilities. If you have additional questions, contact your local school and ask to speak with the Section 504 Coordinator. Other options at your child's school may include Title I services or other support services. School districts must make their programs and activities accessible as well as usable to all individuals with disabilities.

*What are the disability categories as defined in IDEA?*

In IDEA (Sect. 300.7) children who have one or more of the following disability categories may be eligible for special education services:

**AUTISM** means a developmental disability significantly affecting verbal and non-verbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined below.

**DEAF-BLINDNESS** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

**DEAFNESS** means a hearing impairment so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

**EMOTIONAL DISTURBANCE** is a term that means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that adversely affects a child's educational performance:

- an inability to learn that cannot be explained by intellectual, sensory, or health factors;
- an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- inappropriate types of behavior or feelings under normal circumstances;
- a general pervasive mood of unhappiness or depression; or

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- a tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

**HEARING IMPAIRMENT** means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

**MENTAL RETARDATION** means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

**ORTHOPEDIC IMPAIRMENT** means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

**NOTE**

**For younger children in North Dakota, the Non-Categorical Delay (NCD) eligibility option may be used for ages 3 through the end of the school year in which the child turns 6. This option may be used in situations where the determination of a disability is not clear but delays are well documented.**

**OTHER HEALTH IMPAIRMENT** means having limited strength, vitality or alertness including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that

- is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and
- adversely affects a child's educational performance.

**SPECIFIC LEARNING DISABILITY** means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to children who have learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

**SPEECH OR LANGUAGE IMPAIRMENT** means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

**TRAUMATIC BRAIN INJURY** means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical function; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

**VISUAL IMPAIRMENT** means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

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*What is special education?*

Special education is defined as specially designed instruction, at no cost to you, to meet your child's unique needs. Special education can include classroom instruction, home instruction, instruction in hospitals and institutions or other settings. Special education services may be supplemented by related services.

*What are related services?*

Related services are defined as transportation and such developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education. Related services include:

- speech-language pathology and audiology services;
- psychological services;
- physical and occupational therapy;
- recreation, including therapeutic recreation;
- early identification and assessment of disabilities in children;
- counseling services, including rehabilitation counseling;
- orientation and mobility services; and
- medical services for diagnostic or evaluation purposes.

The term also includes school health services, social work services in schools, and parent counseling and training.

**Referral**

*Who can make a referral?*

If a child is suspected of having a disability and might need special education services, a referral for evaluation may be made by:

- parents;
- school personnel; and/or
- community agency personnel.

After a referral is made and before the evaluation process begins:

- you must be given prior written notice regarding the proposed evaluation; and
- the school district must have your consent in writing before it can evaluate your child.
- If you refuse to give your consent to evaluate, the school district may request mediation and/or a due process hearing.

**Prior Written Notice to Parents**

*What must happen before there is any involvement in special education?*

If your child is suspected of having a disability and is referred for an evaluation, you must be informed, in writing, before your child:

- is evaluated;
- is determined to be a child with a disability;
- receives special education services;
- has any change in services; and/or
- is refused services.

This written notice must include:

1. an explanation of your procedural safeguards as a parent;
2. what the school district:
   - plans to do;
   - could do (options);
   - chooses not to do and why;
3. an explanation of each assessment procedure, test, record, or report used as a determination of the proposed or refused action; and
4. resources for you to contact to get help in understanding your procedural safeguards.

Prior written notice must be written in language understandable to the general public, and must be provided in your native language or given to you in other means of communication, e.g., sign language, so that you understand your rights.

### Consent

*What does consent mean?*

Consent means that:

- you have been given all the necessary information to make an informed decision about the proposed activity. This information must be given in your native language or other mode of communication, for example, sign language;
- you understand and agree in writing to the proposed activity.

*When must the school district obtain my consent?*

Your school district must have your informed written consent before:

- an evaluation of your child can be done for the first time;
- reevaluating your child if more information is needed; or
- any initial special education and related services are provided for the first time.

If you do not give your consent, or if you withdraw your consent, the school district may request a due process hearing to obtain permission to evaluate and/or provide special education services to your child.

### Evaluation

*What does evaluation mean?*

Evaluation is the process used to determine whether your child has a disability, and the specific learning needs of your child. This process is individualized for each student and uses a multidisciplinary team with you as one of its important members.

*When does my child need an evaluation?*

Your child needs an initial evaluation when you or the school district is uncertain whether your child has a disability. If your child is already receiving special education services, a reevaluation must be conducted at least every three years to ensure that your child is still eligible to receive special education services, and to determine if the services are appropriate. If the assessment team decides that no additional data are needed to determine your child's continuing eligibility, you must be notified. You still have the right to request an evaluation to determine whether your child continues to be eligible. An evaluation is also required before your child is dismissed from special education services.

The purpose of evaluating your child is to:

- determine eligibility for special education services;
- get a complete picture of your child's abilities as a starting point for planning educational services; and
- make recommendations about ways to meet your child's educational needs.

The evaluation of your child must:

- include more than one area of your child's functioning, for example, schoolwork and communication;
- be performed by a team, including you, and qualified and knowledgeable professionals;
- be administered in your child's native language or other mode of communication; and
- be unbiased, or given in such a way so as not to discriminate against your child, regardless of his/her cultural background, race, or disability.

*What if the team decides that my child does have a disability but doesn't require special education?*

Children who have disabilities that substantially limit their participation in or access to school programs, but who do not need special education, may qualify for other school services. These services could include accommodations in the general classroom under Section 504 of the Rehabilitation Act of 1973. The rights of "504 only" children and their parents are in some ways similar and in other ways different from the procedural safeguards described in this guide. All children who are determined to have a disability but who do not require special education services may be considered for accommodations under Section 504. To obtain a copy of *A Parent Guide to Section 504*, contact your school and ask for the local Section 504 Coordinator or contact the Department of Public Instruction.

*What if I disagree with the school district's evaluation?*

You may obtain an independent educational evaluation if you disagree with the school district's evaluation results.

**Independent Educational**

*What is an independent educational evaluation?*

An independent educational evaluation is conducted by a qualified examiner who is not an employee of the school district responsible for educating your child.

*Under what circumstances can an independent educational evaluation be obtained?*

If you disagree with your school district's evaluation, you have the right to request an independent educational evaluation at public expense. Public expense means that the school district either pays for the full cost of the educational evaluation, or ensures that the evaluation is provided at no cost to you. Whenever an independent educational evaluation is at public expense, the standards under which the evaluation is obtained must meet the same standards used by the school district. This means the qualifications of the examiner and the location of the evaluation must meet the standards of the school. Location standards mean the evaluation must be completed under suitable conditions. Examples of suitable conditions include a reasonably quiet test area free of visual distractions that would affect the outcome of the evaluation. Before the school agrees to pay, you must receive approval from your school district for an independent evaluation arranged by you. The results of independent educational evaluations must be considered by the school district before taking any action regarding your child.

In addition, a hearing officer may request an independent educational evaluation. In this case, the independent educational evaluation must be at public expense. A hearing officer is an impartial person who has been trained to resolve special education conflicts. In our state, hearing officers are employed by the North Dakota Office of Administrative Hearings.

*What if the school district believes its evaluation is valid?*

It is the school district's responsibility to request a due process hearing to show that its evaluation is valid. However, if the final decision is that the district's assessment is appropriate, you still have the right to an independent educational evaluation at your expense.

*Where can I get an independent educational evaluation?*

You may request a list from your school district. Each school district is required to maintain a list of public and private agencies qualified to conduct independent educational evaluations.

If you have an independent educational evaluation completed at your expense, the school district must consider those results in planning your child's program. However, the location of the evaluation and the qualifications of the examiner must meet the criteria of the school.

## Individualized Education Program (IEP)

*What is an individualized education program?*

An individualized education program (IEP) is a written plan, for a child with a disability, that is developed according to federal and state regulations. This document includes:

- a description of your child's strengths and needs (present levels of educational performance);
- annual goals and short-term objectives;
- criteria and evaluation procedures to determine if short-term objectives are effective or successful;
- characteristics of services that will be provided;
- statements of specific special education and related services that will be provided, and to what extent your child will participate in general education classes;
- when these services will start, how long the services will last, and the amount of services; and
- beginning at age 14, statements of transition planning for your child after graduation from high school.

The state recommended IEP form is included in this guide's appendix. The appendix also contains an IEP Meeting Organizer that your school may be using. These might be helpful for you to review before your child's IEP meeting. The IEP meeting should be held at a mutually agreed upon time and place. School districts must invite you to attend this meeting, and must document all attempts to contact you. If you choose not to attend, an IEP meeting may be held without you.

*Who should attend an IEP meeting?*

The school district is required to invite the following people to attend the IEP meeting as equal, valued members of the decision-making process:

- parents;
- your child's teacher(s);
- a representative of the school district who is able to provide or supervise the provision of special education services;
- a special education teacher with training in the area(s) of your child's disability;
- your child, when appropriate, but always at age 14 and older;
- additional individuals at the invitation of you or the school district;
- a person who is knowledgeable about the general education curriculum;
- an evaluator, or some other person who is knowledgeable about the evaluation procedures used with your child, and is familiar with the results of the evaluation (for the first IEP and after a reevaluation); and
- transition services personnel.

*What is the responsibility of the IEP team?*

During an IEP meeting, team members should follow this sequence of steps:

- introduce members and review the IEP Meeting Organizer;
- review the results of the evaluation, or the current IEP if the meeting is an annual review;
- determine your child's areas of strengths and needs;
- write annual goals and short-term instructional objectives in the areas of need and determine how progress will be measured and reported, including when and by whom;
- determine the special education and related services needed to implement each goal and objective; and
- determine where special education services will be provided (least restrictive environment).

The following issues should be discussed during the IEP meeting, as part of the sequential steps listed above, when they apply to your child:

- your child's participation in state or district-wide assessments;
- whether or not your child should receive extended school year services;
- transition activities, beginning no later than age 14, or earlier if appropriate, based on your child's needs, preferences, and interests;
- a positive behavior support plan if your child's behavior significantly interferes with his or her opportunity to learn;
- physical education programs that address your child's individual needs;
- language needs if your child has limited English proficiency;
- language and communication needs if your child is deaf or hard of hearing;
- assistive technology devices and services if needed by your child; and
- the need for Braille instruction if your child has a visual impairment.

*How often is my child's IEP reviewed?*

Your child's IEP must be reviewed at least annually. However, it may be reviewed at any time during the school year at your request, or at the school district's request.

*What are extended school year/day services?*

Extended school year/day services are special education and related services that are provided beyond the normal school year and normal school day. Three principles apply to extended school year/day services:

- all children who are eligible for special education and related services must be considered for extended year/day services;
- all relevant information relating to the individual needs of the child must be considered in determining whether an extended school/day should be part of the child's program; and
- you are entitled to full participation in this decision as part of the development of your child's IEP.

The intent of extended school year/day is to prevent regression of previously learned skills that cannot be regained in a reasonable length of time. An extended school year/day provides services for your child to maintain IEP goals and objectives. It is not intended to introduce new skills; it means specialized instruction that helps prevent a loss of skills. The provision of extended school year/day services is determined on an individual basis.

*Can I see my child's education records?*

## Records

Your school district must permit you to inspect and review any education records relating to your child. This includes records regarding identification, evaluation, and educational placement of your child as well as the provision of free appropriate public education. You have the right to see all records that are collected, maintained, or used by the school. The school district must comply with your request without unnecessary delay. If you request them, records must be provided before any IEP meeting or hearing related to your child's identification, evaluation, or educational placement.

*Who can see my child's education records?*

The following people have access to your child's records:

- you, the parents;
- authorized employees of the school district who have a legitimate interest; and
- representatives of any participating agency providing the school program.

The school must keep a record of any other people obtaining access to educational records. This record must include the name of the person, the access date, and the purpose for which the person is authorized to use the records.

*How do I get my child's records changed?*

If you believe that any information in your child's record is inaccurate, misleading, or violates the privacy or other rights of your child, you may ask the school district to change the information. The school district must decide whether to change the information within a reasonable amount of time.

If the school district refuses to change the information as you requested, you must be informed of the refusal, and of your right to a hearing. The hearing gives you a chance to challenge the information in the educational record to ensure that it is not inaccurate, misleading, or in violation of the privacy or other rights of your child.

After the hearing, if the school district agrees with you, it must change the information and let you know in writing. If the school district disagrees with you, you will be able to write a statement about your concerns. This statement will be placed in your child's records, and must be kept by the school district as long as the records are kept. Any time your child's records are shared, your statement must be included.

*How long will by child's educational records be kept?*

Each school district determines its own policy regarding how long educational records must be kept before they are destroyed. For more information about how long records are kept in your school, contact your local administrator.

*Are there any costs to review my child's record?*

The school district may not charge a fee to search for or retrieve information. You may be charged a fee for copies of records as long as the fee does not prevent you from inspecting your child's records.

"The history of liberty has largely been the history of the observance of procedural safeguards."
*Felix Frankfurter, former Chief Justice of the United States Supreme Court*

"Specific day to day adjustments in instructional methods and approaches that are made by either a general or special education teacher to assist a child with a disability to achieve his or her annual goals would not normally require action by the child's IEP team."

*IDEA Amendments of 1997 Report of the Committee on Education and the Workforce, House of Representatives, page 100*

The first section of this guide provides an overview of the process of special education. In section two the procedural safeguards afforded to children and parents by the Individuals with Disabilities Education Act (IDEA) are explained in greater detail.

Procedural safeguards are often referred to as the rights provided under IDEA. It is important that you understand your rights. Children with disabilities, their parents, and school personnel typically work together as a team that develops a strong relationship. IDEA emphasizes parental involvement in the special education process and requires team decision making.

Therefore, it is important that you approach your child's education as an active participant. Part of being an active participant requires you to understand the process outlined in section one. Should you have need for more information about the procedural safeguards, these rights are further explained in this section.

### Parent Participation

Your participation is essential. You will be given opportunities to become actively involved in meetings about identification, evaluation, and educational placement of your child, as well as other matters relating to your child's free appropriate public education (FAPE). This includes the right to participate in meetings to develop your child's individualized education program (IEP).

The school must provide notice to ensure that you, as the parent of a child with a disability, have the opportunity to participate in meetings related to your child's special education.

There are two exceptions when a meeting notice is not required. The definition of a meeting does not include informal or unscheduled conversations among school personnel and conversations on issues such as teaching methods, lesson plans, or coordinating services for your child if those issues are not addressed in the IEP. A meeting also does not include preparation activities when school personnel develop a proposal, or a response to a parent proposal that will be discussed at a later meeting.

### Prior Written Notice

In addition to being a participant in decision-making, you have the right to prior written notice from the school district each time important decisions are made that affect your child's special education and before those decisions are put into place. These include decisions to:

- identify your child as a child with a disability, or change your child's eligibility from one disability to another;
- evaluate or reevaluate your child;
- develop an IEP for your child, or change your child's IEP; or,
- place your child in special education services, or change your child's special education placement.

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You also have the right to prior written notice from the school district when the district refuses your request to take these actions. Prior written notice must include:

- a description of the action proposed or refused by the school district;
- an explanation of why the action is proposed or refused;
- a description of any other options considered and the reasons why those options were rejected;
- a description of each evaluation procedure, test, record or report used as a basis for the action proposed or refused;
- a description of any other factors relevant to the action proposed or refused;
- notice that you can invite individuals with knowledge or special expertise about your child to an IEP meeting;
- a statement that parents of a child with a disability are protected by the procedural safeguards described in this *Guide*; and
- how to get a copy of the *Procedural Safeguards in Special Education for Children and Parents* booklet.

Prior written notice must also include resources you can contact for help in understanding these procedural safeguards and a description of how you can file a complaint.

This notice must be written in language understandable to you and provided in your native language or other mode of communication, unless it is clearly not possible. If your native language or other mode of communication is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to assure that you understand the content of the notice. You may also ask your local special education director or your child's teacher to explain the notice to you.

### Parental Consent

The school district must obtain your informed written consent before conducting an initial evaluation or reevaluation and prior to the initial placement of your child into special education. You have the right to participate as a team member in developing the assessment plan and discussing placement and service options available to your child. Your consent is to be given freely and you may withdraw it at any time.

**The First Evaluation**

The school district must have your informed written consent before it can evaluate your child, and must inform you about the evaluations to be used with your child.

**Reevaluation**

The school district must have your informed written consent before reevaluating your child. However, the school district may reevaluate your child without your written consent if it can demonstrate it has taken reasonable steps to get your consent and you have not responded. The school does not need to obtain your consent before reviewing existing evaluation data as part of an evaluation or reevaluation.

**Initial Placement**

You must give your informed written consent before the school district can initially place your child in a special education program or provide special education services to your child.

**Refusal**

You can refuse consent for an evaluation, a reevaluation, or the initial placement of your child in special education. If you withdraw your consent, it does not reverse an action (e.g., an assessment) that had already occurred after your consent was given.

The school district may seek to evaluate or place your child in special education services through a due process hearing if it believes it is necessary for your child. You and the school district may agree to try mediation to resolve your disagreements.

## Records

To protect the privacy of your child and family, schools are legally responsible for safeguarding school records. All educational records that contain personal information about your child are protected by the same privacy regulations. In addition, both the Family Educational Rights and Privacy Act (FERPA) and IDEA ensure your access to your child's educational records. Your school district has a more detailed written policy about school records available to you and other parents upon request.

Your school must permit you to inspect and review all educational records, relating to your child, that are collected, maintained, or used by the school for the identification, evaluation, and/or educational placement of your child and the provision of a free appropriate public education (FAPE). The school must let you look at the records without unnecessary delay and before any IEP meeting or hearing about your child. Requests to look at your child's records should typically be made to the building principal or to the special education director for your school district. The school has five business days to respond to your request.

Your right to inspect and review records includes:

1. the right to a response from the school to reasonable requests for explanations and interpretations of the records;
2. the right to have your representative inspect and review the record; and,
3. the right to request that the school provide copies of the records containing the information if failure to provide those copies would effectively prevent you from exercising your right to inspect and review the records.

The school will assume you have the right to look at your child's records unless it has been confirmed that you do not have the right because of laws governing guardianship, separation, divorce, etc. If any education record includes information on more than one child, you may only look at the information about your child. If you request, the school will give you a list of education records collected, maintained, or used by the school district, and the location of those records.

**Record of Access**

The school will keep a record of anyone looking at your child's education records other than you and authorized district employees. Authorized personnel may include other school officials, including teachers, who have legitimate educational interests. The record will include the name of the person, the date, and their purpose for looking at the records.

**Fees for Searching, Retrieving, and Copying Records**
The school may not charge a fee to search for or retrieve information, but may charge a reasonable fee for copies of records made for you if the fee does not effectively prevent you from exercising your right to inspect and review those records.

**Amendment of Records at Parent's Request**
If you believe that information in your child's education records which is collected, maintained, or used is inaccurate, misleading, or violates the privacy or other rights of your child, you may request that the school that maintains the information amend it.

The school will decide within a reasonable period of time whether to change the record at your request. If the school decides not to make the changes, the school will advise you that you have a right to a local hearing. At the hearing, you can challenge the information in the records. The school district may decide at the hearing that:

- the information is inaccurate;
- the information is misleading; or
- otherwise violates the privacy or other rights of your child.

If any of these are the hearing's conclusions, then the school will change the information and tell you, in writing, that it has done so.

After the hearing, if the school continues to say that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, you may place a written statement in the records. Your statement will contain your comments on the information or your explanation of why you disagree. This statement will be kept as part of your child's records as long as the record or the part of the record about which you disagreed is kept. If the records or the part of the record about which you disagreed is given to anyone, your statement must also be given.

## Evaluation Procedures

A full and individual evaluation of your child must be completed before any special education services begin or before your child is dismissed from services. A team of persons that includes you must conduct an appropriate evaluation.

Your child must be reevaluated at least once every three years. The team may decide that no additional data are needed to determine whether your child continues to be eligible for special education. If so, the school district must notify you of that decision and the reasons for it. You still have the right to request an evaluation to determine whether your child continues to be eligible. The school district is not required to conduct an evaluation of your child unless you request it.

An independent educational evaluation is an evaluation by a qualified examiner who is not an employee of the school district responsible for educating your child. You may ask for an independent educational evaluation at school district expense if you disagree with an evaluation completed by the school district. If you want the school to pay for an independent evaluation, you must receive approval from the school before obtaining the evaluation.

If the school district refuses to pay for an independent evaluation, it may request a due process hearing. If the school district shows at a hearing that its evaluation is appropriate, the school district will not have to pay for an independent educational evaluation. You may still get an independent educational evaluation at your own expense.

School districts must maintain a list of public and private agencies that meet the district's criteria to conduct independent educational evaluations. The district's criteria will indicate acceptable qualifications of an examiner and location. This list is available on request. Typically, requests for this list should be made to your school district's special education director.

The results of independent educational evaluations must be considered by the school district before taking further action regarding your child. These evaluations may be considered evidence in a due process hearing.

A hearing officer may also require an independent educational evaluation of your child at school district expense during due process hearing proceedings.

### Least Restrictive Environment

Every effort must be made to provide the necessary supports that will allow your child to be educated in your neighborhood school. Access to the general education curriculum must be given to your child. As much as possible, your child must be educated with children who do not have disabilities. Your child has the right to be in a general education setting unless the nature or severity of the disability is such that the use of additional aids and services in that setting is not appropriate.

The school must have a range of placements available including general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Your child must be allowed to participate in extracurricular and nonacademic activities with children who do not have disabilities. The school must make provision for supplementary services needed for your child to participate in a general education class.

When selecting the least restrictive environment for your child, the IEP team must consider any possible harmful effects that a particular placement or service may have on your child. A child with a disability may not be removed from education in age-appropriate general classrooms solely because of needed modifications in the general curriculum.

### Educational Surrogate Parents

When a natural parent or guardian of a child is unknown or unavailable, or if the child is a ward of the state, the school district must assign an individual to act as this child's educational surrogate parent. This individual is responsible for representing the child's interests in all matters related to the provision of a free appropriate public education and, as such, has all the procedural rights afforded the child's parents regarding his/her education.

## If You Have Concerns

If you have concerns about your child's special education services, the first step is to talk to your child's general or special education teacher, the building principal, superintendent or the district's special education director. It helps to deal with concerns when they first arise so steps can be taken as soon as possible to support the working relationship among parents, staff, and children. If you want additional assistance, a list of other resources is provided at the end of this guide. If the concerns are not resolved, you can take further steps, including mediation, a written complaint to the North Dakota Department of Public Instruction (DPI) Office of Special Education and/or a request for a due process hearing.

### Mediation

Parents and school staff usually agree upon issues regarding evaluation, eligibility, services and placement of students with disabilities. However, there are times when disagreement occurs.

If you are unable to resolve a conflict with your child's school concerning special education services, mediation can be a helpful option. Mediation is completely voluntary and optional for you and the school. It should not interfere with any of your procedural safeguards, including your right to request a due process hearing.

During mediation a trained mediator works with you and school personnel in a confidential session to guide you toward a mutually satisfactory solution in the best interest of your child. This meeting is more structured than a parent-teacher conference but less formal than a due process hearing. The mediator has been trained in a communication process to handle special education disputes.

Mediation takes place at no cost to you or your child's school. The North Dakota Department of Public Instruction bears the costs related to special education mediation. However, parties who choose to involve their attorneys are responsible for their own attorney fees.

Mediation can:

- identify disagreements concerning the identification, evaluation or educational placement of a student;
- clarify issues causing the disagreement;
- provide those involved with uninterrupted opportunities to present their points of view;
- stimulate mutual problem-solving efforts;
- promote positive working relationships between parents and school personnel; and
- help parents and school personnel focus on what they have in common — the student — rather than on issues that divide them.

You or the school district can request mediation. Mediation may occur prior to or at the same time as a request for a due process hearing or the filing of a complaint. However, it may not, **in any way**, interfere with your right to a due process hearing.

Unless you and the school district agree to mediation as a way to resolve your disagreement, a mediation session cannot be scheduled.

If you would like more information about mediation or would like to request mediation to help you resolve a conflict, contact your local special education unit or the Department of Public Instruction, Office of Special Education.

### Complaint

If you believe that the state, your special education unit or school district is not complying with the Individuals with Disabilities Education Act (IDEA), you have the right to request an investigation of what you consider to be violations of this law. The intent of this complaint procedure is to address matters of a public agency (state, unit or district) violating a requirement of Part B of the IDEA.

An organization or individual may file a signed, written complaint. This signed written complaint:

- must include a statement that a particular requirement of Part B of IDEA has been violated;
- must include the facts on which the statement is based; and
- must be addressed to: Director of Special Education, Department of Public Instruction, 600 East Boulevard Avenue, Dept. 201, Bismarck, ND 58505-0440.

The Department has 60 calendar days after the complaint is filed to investigate and issue a written decision.

The State Director of Special Education will assign a person to investigate the complaint. Within 20 working days of receiving the complaint, this investigator will interview you by phone or in person to give you an opportunity to submit additional information about the allegations in the complaint. The investigator will also interview other involved parties and determine whether an on-site investigation of the complaint is necessary. The investigator will review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of IDEA and issue a written decision to you that addresses each allegation in the complaint. The written decision will contain the findings of fact and conclusions and the reasons for the Department of Public Instruction's (DPI) final decision. Procedures for effective implementation of the DPI final decision, if needed, may include technical assistance activities, negotiations and corrective actions to achieve compliance.

An extension of the 60 day time limit may be granted only if exceptional circumstances exist with respect to a particular complaint. The extension of the time limit will be discussed with the party initiating the complaint prior to extending the time line. A request for a due process hearing may be initiated at any time during the complaint process.

Information on conflict resolutions, options, and procedures can be obtained from the Department of Public Instruction, Office of Special Education, 600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440.

### Due Process Hearing

A due process hearing is a formal legal proceeding. You may request a due process hearing if you disagree with the identification, evaluation, educational placement or other aspects relating to your child's free appropriate public education. Like complaints, hearing requests must be made in writing to the State Director of Special Education.

**Call DPI's Office of Special Education at (701) 328-2277 to obtain the form for requesting a due process hearing.**

Your hearing request must include:

- your child's name and address and the name of the school your child attends;
- a description of the violation of Part B of IDEA, including specific facts about the violation; and
- specific suggestions you have for solving the problem.



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A school district also may request a due process hearing:

- when a parent refuses consent for evaluation or placement;
- to demonstrate that the school district has conducted an appropriate evaluation; and/or
- to demonstrate that the school district has offered a free appropriate public education.

An impartial hearing officer will conduct the hearing. This person has been trained to resolve special education conflicts and is employed by the North Dakota Office of Administrative Hearings. The hearing must be completed and a final order issued within 45 days of DPI's receipt of a hearing request unless the hearing officer grants an extension of time at the request of a party.

A party to a hearing has certain rights, including:

- the right to bring an attorney who can give you advice;
- the right to bring one or more individuals who have knowledge or expertise about children with disabilities;
- the right to present evidence and confront, cross examine, and require witnesses to be present;
- the right to a written, or, at the option of the parents, an electronic verbatim record of the hearing; and,
- the right to a written, or, at the option of the parents, electronic findings of fact and decisions.

At least five business days before a hearing, school districts and parents must disclose to each other all evaluations of the student completed by that date and recommendations based on those evaluations that are intended to be used at the hearing.

A hearing officer may bar any party that fails to comply with this rule from introducing the undisclosed evaluations or recommendations at the hearing without the consent of the other party.

During the process of hearing and appeal, your child will remain in his or her current educational placement. This "stay put" rule applies unless:

- you and the school district agree to another placement;
- your child is applying for initial admission to a public school and you consent to your child's placement in the public school program; or
- your child is removed to an interim alternative educational setting by school personnel or a hearing officer.

A court may award reasonable attorney fees to the parents of a child with a disability if they prevail in the action. Under certain circumstances, attorney fees may be reduced or denied.

## Discipline

Instances may occur when your child's behavior requires the school to use special methods of discipline. Depending on the nature of the behavior, you have the right to be a part of team decisions about your child's discipline.

### Short-Term Removals

Short-term removal from your child's normal educational setting may be up to 10 consecutive school days at one time. Additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct are allowed. However, if a series of short-term removals become a pattern, they are considered a change of placement and the requirements for longer removals must be followed. School personnel may use short-term removals to the same extent these options would be used with children who do not have disabilities.

### Longer Removals

Longer removals include expulsion and suspensions that add up to more than 10 days in a school year. School districts cannot take this kind of action for misconduct related to or caused by the student's disability. If school staff are considering a longer removal, the district must have an IEP meeting, including parents and other qualified personnel, to make a "manifestation determination". This meeting must take place within 10 business days of the school district's decision to take this type of disciplinary action.

### Manifestation Determination

The IEP team determines whether the misconduct is a manifestation of your child's disability. You will be invited to participate as a member of this team. The IEP team may determine that the behavior was not a manifestation if the IEP team

- reviews all relevant information including:
  - — test results, and any independent educational evaluations;
  - — information provided by the parents;
  - — observations of the child; and
  - — the child's IEP and placement;
- and determines that, in light of the misconduct:
  - — your child's IEP and placement were appropriate;
  - — the special education services, supplementary aids and services, and behavior intervention strategies were provided as described in your child's IEP;
  - — your child's disability did not impair his or her ability to understand the impact and consequences of the misconduct; and,
  - — your child's disability did not impair his or her ability to control the misconduct.

If the IEP team concludes that the misconduct was not a manifestation of your child's disability:

- the school district may take disciplinary action, such as expulsion, in the same manner it would for children without disabilities; but
- the school district must continue to provide a free appropriate public education to your child consistent with the child's educational needs; and
- if an expulsion hearing is required, the school district must make sure that your child's special education and disciplinary records are provided to the school administrator in charge of the school's expulsion hearing.

If you disagree with the IEP team's decision, you can request an expedited due process hearing.

**Weapon And Drug-Related Misconduct**

School personnel may move a child to an interim alternative educational setting for up to 45 days if:

- the child carries a weapon to school or to a school function; or,
- the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function; or
- the interim alternative educational setting meets the requirements described below.

**Removal By A Hearing Officer**

A hearing officer may move a child to an interim alternative educational setting if:

- the child would be substantially likely to cause injury to self or others in the current placement; and
- the school has made reasonable efforts in the current placement to minimize the risk of harm.

If returning the child to the current placement would be dangerous, a hearing officer may make repeated extensions of 45-day removals, if necessary. However, each extension requires an additional hearing.

**Interim Alternative Educational Setting**

Any interim alternative educational setting must:

- allow your child to continue to participate in the general curriculum, although in a different setting;
- allow your child to continue to receive services and modifications, including those described in your child's IEP, to enable your child to meet IEP goals; and
- include services and modifications designed to address the child's behavior in question.

The specific interim alternative educational setting must be determined by the child's IEP team, which includes you.

## Private School Placement

**Reimbursement For Private School Placement By Parents**

If you enroll your child in a private school, your child may receive some publicly funded special education services. You are entitled to reimbursement for costs associated with the private school placement only if a court or hearing officer determines the public school had not made a free appropriate public education available to your child.

The court or hearing officer may reduce or deny reimbursement if you did not make your child available for an evaluation upon notice from the school district before removing your child from public school. You may also be denied reimbursement if you did not inform the school district that you were rejecting the special education placement proposed by the school district and did not give written notice of your concerns and intent to enroll your child in a private school at public expense.

Your notice to the school district must be given either:

- at the most recent IEP meeting you attended before removing your child from the public school, or
- in writing to the school district at least ten business days (including holidays) before removing your child from the public school.

A court or hearing officer may not reduce or deny reimbursement to you if you failed to notify the school district for any of the following reasons:

- illiteracy and inability to write in English;
- giving notice would likely result in physical or serious emotional harm to the child;
- the school prevented you from giving notice; or
- you had not received a copy of *Procedural Safeguards in Special Education for Children and Parents* or otherwise been informed of this notice requirement.

## Glossary and Additional Resources

### GLOSSARY OF TERMS
### Special Education Terms/Legal Terms

**Adaptive Behavior:** Refers to one's ability to be socially appropriate and personally responsible. This includes, for example, communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work.

**Adaptive Physical Education:** Involves modifications and/or accommodations to the regular physical education class. Supplemental instruction may take place in a separate class based on a student's individual needs. The goal is to allow students with special needs to remain in the regular physical education class.

**Annual Goals:** Educational performance to be achieved by a student within one year.

**Annual Review:** Students with disabilities required by law to have an educational program that is reviewed each year. A review involves an updating of the student's progress and planning his/her educational program.

**Assistive Technology:** Services and equipment that enhance the ability of students to be more efficient and successful.

**Audiologist:** Specialist who is concerned with studying the nature of hearing, administering hearing tests to detect possible hearing loss, and giving information about hearing aids, training programs, and medical treatment.

**Autism:** Developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in IDEA.

**Behavior Modification:** Technique of changing human behavior, based on a system of positive and negative reinforcement. Emphasis is on observable behaviors and what events precede and follow them.

**Benchmark:** Refers to a major milestone that will enable parents, students, and educators to monitor progress during the year.

**Building Level Support Teams (BLST):** Provide a process for school building teams to analyze needs and clarify school support systems for teachers, students, and parents.

**Cerebral Palsy:** Group of conditions caused by brain damage usually occurring before or during birth or during the developmental years. Marked especially by impaired muscle control, language, speech, psychological, or learning problems. There are many types of cerebral palsy, and it expresses itself differently in each person.

**Confidentiality:** Precautions an individual other than the student's parent must take in not revealing information, without consent, about a specific student, to someone who is not directly involved with that student.

**Consent:** (1) Fully informing the parent of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication, (2) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom, and (3) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

**Day:** (1) Business Day referring to Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day). (2) School Day referring to any day, including a partial day, that children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including children with and without disabilities.

**Deaf:** Hearing impairment so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

**Deaf-Blind:** Concomitant hearing and visual impairment, the combination of which causes such severe communication and other developmental and educational problems that students cannot be accommodated in special education programs solely for deaf or blind students.

**Down Syndrome:** Condition caused by chromosomal abnormality with a number of physical characteristics and varying degrees of mental retardation.

**Due Process Hearing:** Formal procedure for reviewing disagreements to ensure that an individual is given an opportunity to present his/her side of an issue to an independent due process hearing officer.

**Educational Surrogate Parent:** Person assigned to act in place of parents or guardians when a student's parents or guardians are not known or are unavailable, or when a student is a ward of the state. This person functions in the same way a parent or guardian would.

**Emotionally Disturbed:** Condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, that adversely affects educational performance: (1) an inability to learn that cannot be explained by intellectual, sensory, or other health factors; (2) an inability to learn to build or maintain satisfactory interpersonal relationships with peers and teachers; (3) inappropriate types of behavior or feelings under normal circumstances; (4) a general pervasive mood of unhappiness or depression; or (5) a tendency to develop symptoms or fears associated with personal or school problems. This does not include students who are socially maladjusted, unless it is determined that they are emotionally disturbed.

**Extended School Year/Day:** Purpose is to prevent serious regression of previously learned skills that cannot be regained in a reasonable length of time with the intent being to maintain IEP goals and objectives, not to introduce new skills.

**Free Appropriate Public Education (FAPE):** Special education and related services provided at public expense, under public supervision and direction, without charge. The free appropriate public education meets the standards of the state educational agency including preschool, elementary, or secondary school education and is provided in conformity with an individualized education program requirement of IDEA.

**Guardian:** Person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.

**Hard of Hearing:** Hearing impairment, whether permanent or fluctuating, that adversely affects a student's educational performance but which is not included under the definition of deaf.

**Individualized Education Program (IEP):** Written document, for a student with disabilities, that is developed and implemented to meet unique educational needs.

**Least Restrictive Environment (LRE):** Describes procedures that ensure, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled.

**Mental Retardation:** Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period; adversely affects a child's educational performance.

**Notice:** Mandatory written notice provided to parents before the school's proposal or refusal to initiate or change the student's identification, evaluation, or educational placement. Notice in the parent's native language must also be provided in advance of any scheduled IEP meetings.

**Occupational Therapy:** Use of purposeful activity with individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities, poverty and cultural differences, or the aging process with purpose being to maximize independence, prevent disability, and maintain health. The therapy encompasses evaluation, treatment, and consultation.

**Orientation and Mobility (O & M) Services:** Services provided to students who are blind or visually impaired to enable them to attain systematic orientation to, and safe movement within, their environments.

**Orthopedically Impaired**: Severe orthopedic impairment that adversely affects a student's educational performance. Includes impairments caused by congenital abnormalities (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contracture).

**Other Health Impaired**: Includes limited strength, vitality or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, epilepsy, lead poisoning, leukemia or diabetes that adversely affect a student's educational performance.

**Parent**: Natural or adoptive parent; a guardian, but not the State if the child is a ward of the State; a person acting in the place of a parent (e.g., a grandparent or step-parent with whom the child lives, or a person legally responsible for the child's welfare); or an educational surrogate parent.

**Physical Therapy**: The art and science of a health specialty concerned with the prevention of disability and the physical rehabilitation for congenital or acquired disabilities resulting from, or secondary to, injury or disease. The practice of physical therapy means the practice of the health specialty, and encompasses physical therapy evaluation, treatment planning, instruction, and consultative services.

**Procedural Safeguards**: Precautions taken to insure that an individual's rights are not denied without due process of law.

**Psychologist**: Person with an advanced degree who specializes in administering and evaluating psychological tests including intelligence, aptitude, and interest tests. A psychologist could also provide counseling and apply principles of human behavior.

**Reevaluations**: Required at least every three years for each special education student.

**Referral**: Initial step in the special education process; referrals for evaluation can be made by anyone associated with the student.

**Related Services**: Transportation and such developmental, corrective, and other supportive services as required to assist a student with disabilities to benefit from education; includes speech pathology and audiology, psychological services, physical and occupational therapies, recreation, early identification and assessment for diagnostic or evaluation purposes as well as school health services, social work services in schools and parent counseling and training.

**Resource Room**: Area within a school where individual students may spend part of the day for supplemental help with academics.

**Short-Term Objective (STO)**: Measurable, intermediate steps between the student's present levels of educational performance and the student's goals.

**Special Education**: Specially designed instruction, at no cost to the parent, to meet the unique needs of a student with disabilities.

**Specific Learning Disability**: Disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations; includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This does not include children who have learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

**Speech or Language Impairment**: Communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

**Speech Therapy**: Process for remediation of speech disorders, such as stuttering, lisping, misarticulation, conducted by a qualified speech-language pathologist on an individualized or small group basis.

**Supplementary Aides and Services**: Aids, services, and other supports provided in regular education classes or other educational settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

**Traumatic Brain Injury:** Acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical function; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

**Visual Impairment Including Blindness:** Impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

**Ward of the State:** "Ward" being synonymous with person for whom a guardian has been appointed; a "minor ward" being a minor for whom a guardian has been appointed solely because of minority.

## Special Education Abbreviations

**ADD/ADHD:** Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder

**CP:** Cerebral Palsy

**ED:** Emotionally Disturbed

**ESY:** Extended School Year

**FAPE:** Free Appropriate Public Education

**IDEA:** Individuals with Disabilities Education Act

**IEP:** Individualized Education Program

**IQ:** Intelligence Quotient

**LRE:** Least Restrictive Environment

**OCR:** Office of Civil Rights

**OHI:** Other Health Impaired

**OI:** Orthopedically Impaired

**OT:** Occupational Therapy or Occupational Therapist

**PE:** Physical Education

**PL:** Public Law

**PT:** Physical Therapy

**SLD:** Specific Learning Disability

**STO:** Short-Term Objective

**TBI:** Traumatic Brain Injury

**TDD:** Telephone Device for the Deaf

**VI:** Visually Impaired

## Resources

### State Resources

**Office of Special Education**
Director of Special Education
Department of Public Instruction
600 East Blvd. Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2277

PROGRAMS FOR CHILDREN WITH DISABILITIES: AGES 3 THROUGH 5

**Section 619 Coordinator**
Office of Special Education, Dept. of Public Instruction
600 East Blvd. Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2277

PROGRAMS FOR INFANTS AND TODDLERS WITH DISABILITIES: AGES BIRTH THROUGH 2

**Coordinator**
Developmental Disabilities Division
Dept. of Human Services
600 S 2nd St Suite 1A
Bismarck, ND 58504-5729
(701) 328-8930

STATE VOCATIONAL REHABILITATION AGENCY

**Office of Vocational Rehabilitation**
400 East Broadway Ave., Suite 303
Bismarck, ND 58501-4038
(701) 328-8950

OFFICE OF STATE COORDINATOR OF VOCATIONAL EDUCATION FOR STUDENTS WITH DISABILITIES

**State Board for Vocational Education**
600 East Blvd. Ave., 15th Floor
Bismarck, ND 58505-0610
(701) 328-3178

STATE MENTAL HEALTH AGENCY

**Division of Mental Health**
Dept. of Human Services
600 S. 2nd St. #1D
Bismarck, ND 58504
(701) 328-8940

STATE MENTAL RETARDATION AGENCY

**Developmental Disabilities Division**
600 S. 2nd St. Suite 1A
Bismarck, ND 58504
(701) 328-8930

STATE DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

**ND DD Council**
Department of Human Services
600 S. 2nd St. #1B
Bismarck, ND 58504
(701) 328-8953

## PROTECTION AND ADVOCACY AGENCY

**Protection & Advocacy Project**
400 East Broadway
Suite 616
Bismarck, ND 58501
(701) 328-2950; (800) 472-2670 (In ND)

## CLIENT ASSISTANCE PROGRAM

**Client Assistance Program**
Office of Vocational Rehabilitation
600 South 2nd St., Suite 1B
Bismarck, ND 58504
(701) 328-8947

## PROGRAMS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

**Children's Special Health Services**
Department of Human Services
600 East Blvd. Ave., 2nd Floor
Bismarck, ND 58505-0269
(701) 328-2436; (800) 755-2714 (In ND)

## DISABILITY AGENCIES

### HEAD INJURY

**North Dakota Head Injury Association**
(701) 281-0527

### MENTAL HEALTH

**North Dakota Partnerships Project**
PO Box 1674
Bismarck, ND 58502-1674
(701) 223-5707 (701) 223-5932 (FAX)

**North Dakota Federation of Families**
905 East Interstate Avenue
Bismarck, ND 58501
(701) 258-1921 (701) 255-2907 (FAX)

### MENTAL RETARDATION

**The Arc of ND**
418 East Rosser
PO Box 2776
Bismarck, ND 58502-2776

## PARENT TRAINING AND INFORMATION CENTER

**Pathfinder Family Center**
16th St. and 2nd Ave. SW
Arrowhead Shopping Center
Minot, ND 58701
(701) 837-7500; (701) 852-9436 (TTY)
(800) 245-5840 (In ND)

## OTHER ORGANIZATIONS

**Easter Seal Society of ND**
PO Box 1206
Mandan, ND 58554
(701) 663-6828

**Other Resources**

The publicly funded organizations listed here may be able to assist you in understanding the procedural safeguards and other provisions of the IDEA.

Your local school district _____

**Pathfinder Family Center**

Minot.....(701) 837-7500
Toll Free.....1-800-245-5840
Website.....http://www.ndcd.org/pathfinder
FAX.....1-701-837-7548

**National Information Center for Children and Youth with Disabilities (NICHCY)**

Toll Free.....1-800-695-0285
Website.....http://www.nichcy.org/

**North Dakota Protection & Advocacy (P & A) Project**

Bismarck.....(701) 328-2950
Toll Free.....1-800-472-2670

**North Dakota Department of Public Instruction** - Office of Special Education

Bismarck.....(701) 328-2277
TDD.....(701) 328-4920
Website.....http://www.dpi.state.nd.us/

## OTHER RESOURCES/PUBLICATIONS AVAILABLE FROM THE OFFICE OF SPECIAL EDUCATION

- *Guidelines: Evaluation Process*
- *Guidelines: Individualized Education Program Planning Process*
- *Guidelines: Procedural Safeguards*
  *Prior Written Notice and Parental Consent Procedures*
- *Procedural Safeguards in Special Education for Children and Parents*

## Appendixes

APPENDIX A - IEP Meeting Organizer

APPENDIX B - IEP Form: Ages 6-13

APPENDIX C - IEP Form: Ages 3-5

APPENDIX D - Transition IEP Form: Ages 14-21

**IEP Meeting Organizer**

*Prior to the Meeting*

- ☐ Contact parents regarding a convenient meeting date.
- ☐ Contact representatives from collaborating agencies to attend IEP meeting.
- ☐ Send Prior Written Notice of the meeting to parent with copy of procedural safeguards booklet.
- ☐ Document all attempts to contact parent.
- ☐ Collect all data needed for the planning and decision making process.

*Steps During the IEP Meeting*

*Introduction*

- ☐ Purpose of meeting;
- ☐ Beliefs about IEPs to reiterate the importance of family involvement in the IEP process;
- ☐ Roles and relationships of participants/confidentiality issues.

*Hopes and Dreams*

- ☐ Discuss and establish hopes and dreams for this student's collective educational experience and eventual outcomes.
- ☐ Introduce transition planning if appropriate.

*Present Levels of Educational Performances*

- ☐ Describe student's strengths and how they relate to and affect the general education program. Include academic performance, social behaviors, outside interests and extracurricular activities.
- ☐ Describe how the student's disability affects participation in general education program. Include student's participation in state and district assessment programs.
- ☐ Describe how student's disability affects participation in age appropriate activities.

*Long Range Planning*

- ☐ Identify one or more milestones to be accomplished over the next three to five years.
- ☐ Discuss transition planning, if appropriate. Required for students age 14 or older.
- ☐ Discuss transfer of rights at age 17.

*Developing the Annual Plan*

*Goals and Objectives*

- ☐ Special education is specially-designed instruction to meet the unique needs of a student. To make appropriate decisions regarding services, the IEP team must have an understanding of the general education curriculum, scope and sequence of courses, extracurricular activities, teacher expectations and instructional strategies.
- ☐ To complete the annual plan, the IEP team must discuss and answer the question "What supports and program modifications are needed for the student to participate in the general education curriculum?" The IEP team should capitalize on the student's strengths while considering changes to the curriculum and any supports the student will need.
- ☐ Measurable annual goals as well as short-term objectives must be developed to meet the unique needs of the student.



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☐ The IEP must address the type and amount for each special education and related service to be provided to the student so it is clear to all participants and persons involved with the student.

The following items must be discussed and documented for all students:

☐ Strengths of the student, concerns of the parents for enhancing the education of their child, the results of the initial evaluation or most recent evaluation, the communication needs of the student, and whether the student requires assistive technology devices and services.

☐ Consideration for the extended school year program for which eligibility is determined by the IEP team.

If appropriate, the following items must also be considered and documented:

☐ Braille instruction training and orientation and mobility training must be considered for a student with visual impairment.

☐ In the case of a child with limited English proficiency, language needs of the student must be considered as these needs relate to the IEP.

☐ If behavior impedes the student's learning, appropriate positive behavior strategies must be developed and a written plan attached to the IEP.

☐ If the child has a hearing impairment, communication needs must be considered.

***Reporting Progress***

☐ Determine how to measure progress on annual goals and objectives utilizing such methods as, but not limited to, curriculum based assessment, systematic observations, general education grades, and performance assessment.

☐ Decide how regular and periodic progress reports will be communicated to the parent utilizing such methods as, but not limited to, written reports or parent conferences.

☐ Decide the frequency of the progress reports assuring that they will be at least as often as those provided to parents of students without disabilities.

***Least Restrictive Educational Environment for Student/Placement***

☐ Decide the proper placement considering the regular education classroom first, and only then look at other options.

**Give a completed copy of the IEP to the Parents**

*(Adapted from Missouri Department of Elementary and Secondary Education, Division of Special Education)*

# Individualized Education Program

(Rev. 5/26/99)

Effective dates of the IEP (month/day/year)
____/____/____ to
____/____/____

| A. Student Name (Last, First, MI) | | Birthdate (month/day/year) / / | | | Sex [ ] M [ ] F |
|---|---|---|---|---|---|
| Grade | Race 1 2 3 4 5 | Student's Primary Language or Communication Mode | | | |
| Current Address | | City | State | Zip | Phone Number |
| Serving School | | City | State | Zip | Phone Number |
| Resident School (If different from serving school) | | Student Social Security Number (Optional) | | | |
| School District of Residence (If different from serving district) | | Check items that apply.<br>[ ] Open Enrolled in same district [ ] Agency Placed<br>[ ] Open Enrolled in another district [ ] Home Education | | | |

| B. Name of Parent(s) | Home Telephone Number | Other Telephone Number |
|---|---|---|
| Address (if other than Student's Permanent Residence Address) | | Primary Language at Home |
| Is there a Guardian/Educational Surrogate/Foster Parent [ ] Yes [ ] No Name:<br>[ ] Guardian [ ] Educational Surrogate [ ] Foster Parent | | |

| Address | City | State | Zip |
|---|---|---|---|
| | | | |

| C. IEP Case Manager | Telephone Number |
|---|---|
| IEP Type [ ] Initial [ ] Annual | Date of Last Comprehensive Individual Assessment Report (month/day/year) / / |
| Federal Child Count Code A B C D E F G H I | Primary Disability / Secondary Disability(ies) |

| D. Date of IEP Meeting (month/day/year) / / | List Names of All Team Members | Check Attendance |
|---|---|---|
| *Parent | | [ ] Yes [ ] No |
| Parent | | [ ] Yes [ ] No |
| Student | | [ ] Yes [ ] No |
| Administrator/Designee | | [ ] Yes [ ] No |
| Special Ed Teacher | | [ ] Yes [ ] No |
| General Ed Teacher | | [ ] Yes [ ] No |
| Representative of district of residence | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |

* If the parent did not attend the IEP meeting, describe effort to arrange a mutually agreed upon time and place. Include date, contact, and outcome of each effort.

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**E. Present Levels of Educational Performance**

The present level of educational performance is an integrated summary of information from all sources including the student's family. Summarize and discuss parent information and student progress toward previous goals and objectives. Include the parents' perspectives and insights about their child's learning strategies, social skills, interests, and any existing medical diagnoses that are important contributions to creating a description of the whole child. The statement should include current information about the student's specific strengths and weaknesses, progress in the general education curriculum, unique patterns of functioning, and implications of the problem areas on the student's total functioning. Performance areas to be considered include the following:

- Cognitive functioning
- Academic performance
- Communicative status
- Motor ability
- Sensory status
- Health/physical status
- Emotional and social development, and behavior skills (including adaptive behavior, if applicable), ecological factors
- Functional skills, community participation

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**F. Annual Goals, Short-Term Objectives, and Characteristics of Services**

Use one page for each annual goal. Thoroughly state the annual goal. Annual goals should be reasonably achieved in one year and should be unique to the student. Related Services should appear ONLY as objectives that are integrated into the student's instructional program.

| **Annual Goal (behavior or skill, desired ending level of achievement, intent or purpose of the behavior):** | **Goal # _____ of _____ goals** |
|---|---|
| | |

**Short-Term Instructional Objectives and Characteristics of Services:**

List *objectives* for each goal including conditions under which the behavior is performed, the specific behavior, measurable criteria, evaluation procedures, and schedules for determining if objectives are being achieved (initiation date, dates for progress checks). The person responsible for monitoring progress will be added upon completion of Section J.

For each objective, consider and document the following *characteristics of services* information:
Does the performance specified in the objective(s) promote the child's involvement and progress in the general education curriculum?
How might services be modified to enable greater involvement and progress in the curriculum? Describe the needed modifications or adaptations.
If the child will not participate in the general education curriculum, provide a justification for the alternative selected. Describe the specially designed instruction (e.g., specially designed driver education) or supportive training related to the disability (e.g., braille instruction/occupational therapy).
Who will provide the modifications/adaptations OR the specially designed instruction/supportive training related to the disability described above?

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Progress reporting to parents will occur at least as often as reporting in general education (report cards). Written reports will be provided every:

[ ] 6 weeks [ ] 9 weeks [ ] Other schedule (specify:_____)

## G. Adaptation of Educational Services

Describe changes in educational services that will be made to permit successful accommodation and education of this student (e.g. grading, credits, staff, transportation, facilities, materials, braille, equipment, technology, adaptive devices, curriculum, methods, and other services). Include procedures for monitoring equipment, if applicable.

**Assistive Technology MUST be considered for each student with a disability.**
Does the student need assistive technology devices and services to access the general education curriculum (or FAPE)?

[ ] No [ ] Yes **If "Yes" is checked, explain.**

**Describe the student's participation in district-wide and statewide assessment.**

[ ] Student will participate without accommodations.

[ ] Student will participate with accommodations specified below. [Note: Some students may participate in portions of district/statewide assessments.]

[ ] Student will participate in alternate assessment. Justification for not participating in district or statewide assessments and the description of alternate assessment **must be provided**.

**Positive Behavior Interventions and Strategies.**

Does the Present Level of Educational Performance include a description of problem behavior that impedes the student's own learning or the learning of others? [ ] Yes [ ] No

Does the student's disability limit his/her understanding of school rules and consequences? [ ] Yes [ ] No

Does the student's disability limit or influence his/her ability to follow school rules? [ ] Yes [ ] No

**If "Yes" is checked for any of the above questions, then the components of a Behavior Intervention Plan must be documented.**
Documentation of Behavior Intervention Plan can be found: [ ] in goals and objectives [ ] in adaptations section [ ] in an attachment.

## H. Description of Activities with Students Who Are Not Disabled

**Physical Education.** Indicate type of physical education program that the student receives:

[ ] regular P.E. [ ] adaptive/specially designed P.E. (include specific goals and objectives on page 3)

**Participation in Academic and Nonacademic Activities:**
**Check any program options in the boxes below in which the student will be participating with students who do not have disabilities.**

**Program Options (300.305).** **Comments:**

[ ] Art [ ] Industrial Arts
[ ] Music [ ] Vocational Education
[ ] Home Economics [ ] Other_____

**Nonacademic and Extracurricular Services and Activities (300.306).** **Comments:**

[ ] Counseling [ ] Meals
[ ] Employment Referrals [ ] Recess
[ ] Athletics [ ] Recreation
[ ] School Sponsored Clubs [ ] Special Interest Groups
[ ] Transportation [ ] Other_____



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## I. Least Restrictive Environment Justification

This page is intended as a SUMMARY for all Goals, Objectives, Characteristics of Services, Adaptations, and Special Education and Related Services information included on pages 3 and 4. Check all settings in which the special education and related services will be provided. **Note: Use this setting information to determine the federal child count code in the left column, and circle this code in Part C on front page of the IEP.**

| FEDERAL CHILD COUNT CODE: | SETTING | | Percent of time/week |
|---|---|---|---|
| [ ] A. Regular Class | | Regular Education | |
| [ ] B. Resource Room | | Special Education (select if not 100% regular ed) | |
| [ ] C. Separate Class | | [ ] limited special services (< than 21% of time/wk) | |
| [ ] D. Public separate school (day) facilities | | [ ] resource room services (21-60% of time/wk) | |
| [ ] E. Private separate school (day) facilities | | [ ] separate class (> than 60% of time/wk) | |
| [ ] F. Public residential facilities | | Integrated community | |
| [ ] G. Private residential facilities | | Other _____ | |
| [ ] H. Correction facilities | | **TOTAL** | **100%** |
| [ ] I. Homebound/hospital environments | | | |

Explain why options selected above are the most appropriate and the least restrictive. Describe other options considered, and provide reasons those options were rejected.

Is there a potential harmful effect to the student with this placement? [ ] Yes [ ] No

Is there a potential harmful effect to the student's peers with this placement? [ ] Yes [ ] No

If yes to either question, make sure the explanation for the selection of the placement option documents this concern for potential harmful effect.

## J. Special Education and Related Services

| *Services | Min./ Week | Starting Date (month/day/year) | Service Provider and Telephone | Location of Services Building Name AND Room (if another school district, provide district name) |
|---|---|---|---|---|
| | | | | |

* The duration of these services may not exceed one year (12 months) from the date of this IEP.

**Length of school day:**

[ ] The student will attend for the full school day.

[ ] The student will attend for a shorter or longer school day than peers. (Explain why this is necessary.)

**Extended school year MUST be considered for each student with a disability. Justification for the decision made MUST BE STATED BELOW**

[ ] The review of each goal indicates that an extended school year is needed.

[ ] The review of each goal indicates that services will be in effect for the normal school year.

[ ] The team needs to collect further data before making this determination and will meet again by _____

**Justification for the above decision:**

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# Individualized Education Program

**Early Childhood Special Education**
**(Rev. 5/26/99)**

Effective dates of the IEP (month/day/year)
____/____/____ to
____/____/____

| A. Student Name (Last, First, MI) | | Birthdate (month/day/year) / / | | | Sex [ ] M [ ] F |
|---|---|---|---|---|---|
| Grade | Race 1 2 3 4 5 | Student's Primary Language or Communication Mode | | | |
| Current Address | | City | State | Zip | Phone Number |
| Serving School | | City | State | Zip | Phone Number |
| Resident School (If different from serving school) | | Student Social Security Number (Optional) | | | |
| School District of Residence (If different from serving district) | | Check items that apply. [ ] Open Enrolled in same district [ ] Agency Placed [ ] Open Enrolled in another district [ ] Home Education | | | |

| B. Name of Parent(s) | Home Telephone Number | Other Telephone Number |
|---|---|---|
| Address (if other than Student's Permanent Residence Address) | | Primary Language at Home |
| Is there a Guardian/Educational Surrogate/Foster Parent [ ] Yes [ ] No Name: [ ] Guardian [ ] Educational Surrogate [ ] Foster Parent | | |

| Address | City | State | Zip |
|---|---|---|---|
| | | | |

| C. IEP Case Manager | Telephone Number |
|---|---|
| IEP Type [ ] Initial [ ] Annual | Date of Last Comprehensive Individual Assessment Report (month/day/year) / / |
| Federal Child Count Code J K L M N O P Q | Primary Disability / Secondary Disability(ies) |

| D. Date of IEP Meeting (month/day/year) / / | List Names of All Team Members | Check Attendance |
|---|---|---|
| *Parent | | [ ] Yes [ ] No |
| Parent | | [ ] Yes [ ] No |
| Student | | [ ] Yes [ ] No |
| Administrator/Designee | | [ ] Yes [ ] No |
| Special Ed Teacher | | [ ] Yes [ ] No |
| General Ed Teacher | | [ ] Yes [ ] No |
| Representative of district of residence | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |

* If the parent did not attend the IEP meeting, describe effort to arrange a mutually agreed upon time and place. Include date, contact, and outcome of each effort.



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## E. Present Levels of Educational Performance

The present level of educational performance is an integrated summary of information from all sources including the student's family. Summarize and discuss parent information and student progress toward previous goals and objectives. Include the parents' perspectives and insights about their child's learning strategies, social skills, interests, and any existing medical diagnoses that are important contributions to creating a description of the whole child. The statement should include current information about the student's specific strengths and weaknesses, progress in the general education curriculum, unique patterns of functioning, and implications of the problem areas on the student's total functioning. Performance areas to be considered include the following:

- ✓ Cognitive functioning
- ✓ Academic performance
- ✓ Communicative status
- ✓ Motor ability
- ✓ Sensory status
- ✓ Health/physical status
- ✓ Emotional and social development, and behavior skills (including adaptive behavior, if applicable), ecological factors
- ✓ Functional skills, community participation

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**F. Annual Goals, Short-Term Objectives, and Characteristics of Services**

Use one page for each annual goal. Thoroughly state the annual goal. Annual goals should be reasonably achieved in one year and should be unique to the student. Related Services should appear ONLY as objectives that are integrated into the student's instructional program.

**Annual Goal (behavior or skill, desired ending level of achievement, intent or purpose of the behavior):** | **Goal # _____ of _____ goals**

**Short-Term Instructional Objectives and Characteristics of Services:**

List *objectives* for each goal including conditions under which the behavior is performed, the specific behavior, measurable criteria, evaluation procedures, and schedules for determining if objectives are being achieved (initiation date, dates for progress checks). The person responsible for monitoring progress will be added upon completion of Section J.

For each objective, consider and document the following *characteristics of services* information:
Does the performance specified in the objective(s) promote the child's involvement and progress in the general education curriculum?
How might services be modified to enable greater involvement and progress in the curriculum? Describe the needed modifications or adaptations.
If the child will not participate in the general education curriculum, provide a justification for the alternative selected. Describe the specially designed instruction (e.g., specially designed driver education) or supportive training related to the disability (e.g., braille instruction/occupational therapy).
Who will provide the modifications/adaptations OR the specially designed instruction/supportive training related to the disability described above?

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Progress reporting to parents will occur at least as often as reporting in general education (report cards). Reports will be provided every:

[ ] 6 weeks [ ] 9 weeks [ ] Other schedule (specify:_____)

## G. Adaptation of Educational Services

Describe changes in educational services that will be made to permit successful accommodation and education of this student (e.g. grading, credits, staff, transportation, facilities, materials, braille, equipment, technology, adaptive devices, curriculum, methods, and other services). Include procedures for monitoring equipment, if applicable.

**Assistive Technology MUST be considered for each student with a disability.**
Does the student need assistive technology devices and services to access the general education curriculum (or FAPE)?

[ ] No [ ] Yes **If "Yes" is checked, explain.**

**Describe the student's participation in district-wide and statewide assessment.**

[ ] Student will participate without accommodations.

[ ] Student will participate with accommodations specified below: [Note: Some students may participate in portions of district/statewide assessments.]

[ ] Student will participate in alternate assessment. Justification for not participating in district or statewide assessments and the description of alternate assessment **must be provided**.

**Positive Behavior Interventions and Strategies.**

Does the Present Level of Educational Performance include a description of problem behavior that impedes the student's own learning or the learning of others? [ ] Yes [ ] No

Does the student's disability limit his/her understanding of school rules and consequences? [ ] Yes [ ] No

Does the student's disability limit or influence his/her ability to follow school rules? [ ] Yes [ ] No

**If "Yes" is checked for any of the above questions, then the components of a Behavior Intervention Plan must be documented.**

Documentation of Behavior Intervention Plan can be found: [ ] in goals and objectives [ ] in adaptations section [ ] in an attachment.

## H. Description of Activities with Students Who Are Not Disabled

**Physical Education.** Indicate type of physical education program that the student receives:

[ ] regular P.E. [ ] adaptive/specially designed P.E. (include specific goals and objectives on page 3)

**Participation in Academic and Nonacademic Activities:**
**Check any program options in the boxes below in which the student will be participating with students who do not have disabilities.**

| **Program Options.** | **Comments:** |
|---|---|
| [ ] Art | |
| [ ] Music | |
| [ ] Library/Story Time | |
| [ ] Other_____ | |

| **Nonacademic and Extracurricular Services and Activities.** | **Comments:** |
|---|---|
| [ ] Special Events | |
| [ ] Meals/Snack Time | |
| [ ] Motor Activities | |
| [ ] Play Groups | |
| [ ] Social/Family Celebrations | |
| [ ] Other_____ | |

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**I. Least Restrictive Environment Justification**
**Early Childhood Special Education Only**

This page is intended as a SUMMARY for all Goals, Objectives, Characteristics of Services, Adaptations, and Special Education and Related Services information included on pages 3 and 4. **Note: Use this setting information to circle the federal child count code in Part C on front page of the IEP.**

SETTING:

J. Early Childhood Setting
K. Early Childhood Special Education Setting
L. Home
M. Part-Time Early Childhood/Part-Time Early Childhood Special Education Setting
N. Residential Facility
O. Separate Schools
P. Other Services Outside the Home (Optional) _____
Q. Reverse Mainstream Setting (Optional) _____

Describe other options considered, and provide reasons those options were rejected. Explain why options selected above are the most appropriate and the least restrictive.

Is there a potential harmful effect to the student with this placement? [ ] Yes [ ] No

Is there a potential harmful effect to the student's peers with this placement? [ ] Yes [ ] No

If yes to either questions, make sure the explanation for selection of the placement option documents this concern for potential harmful effect.

**J. Special Education and Related Services**

| *Services | Min./ Week | Starting Date (month/day/year) | Service Provider and Telephone | Location of Services Building Name AND Room (if another school district, provide district name) |
|---|---|---|---|---|
| | | | | |

* The duration of these services may not exceed one year (12 months) from the date of this IEP

**Extended school year must be considered for each student with a disability and justification for the decision made must be stated below.**

[ ] The review of each goal indicates that an extended school year is needed.

[ ] The review of each goal indicates that services will be in effect for the normal school year.

[ ] The team needs to collect further data before making this determination and will meet again by _____

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# Individualized Education Program

**Transition**
**(Rev. 5/26/99)**

Effective dates of the IEP (month/day/year)
____/____/____ to
____/____/____

| A. Student Name (Last, First, MI) | | Birthdate (month/day/year) / / | | | Sex [ ] M [ ] F |
|---|---|---|---|---|---|
| Grade | Race 1 2 3 4 5 | Student's Primary Language or Communication Mode | | | |
| Current Address | | City | State | Zip | Phone Number |
| Serving School | | City | State | Zip | Phone Number |
| Resident School (If different from serving school) | | Student Social Security Number (Optional) | | | |
| School District of Residence (If different from serving district) | | Check items that apply.<br>[ ] Open Enrolled in same district [ ] Agency Placed<br>[ ] Open Enrolled in another district [ ] Home Education | | | |

| B. Name of Parent(s) | Home Telephone Number | Other Telephone Number |
|---|---|---|
| Address (if other than Student's Permanent Residence Address) | | Primary Language at Home |
| Is there a Guardian/Educational Surrogate/Foster Parent [ ] Yes [ ] No Name:<br>[ ] Guardian [ ] Educational Surrogate [ ] Foster Parent | | |

| Address | City | State | Zip |
|---|---|---|---|
| | | | |

| C. IEP Case Manager | Telephone Number |
|---|---|
| IEP Type [ ] Initial [ ] Annual | Date of Last Comprehensive Individual Assessment Report (month/day/year) / / |
| Federal Child Count Code A B C D E F G H I | Primary Disability / Secondary Disability(ies) |

| D. Date of IEP Meeting (month/day/year) / / | List Names of All Team Members | Check Attendance |
|---|---|---|
| *Parent | | [ ] Yes [ ] No |
| Parent | | [ ] Yes [ ] No |
| Student | | [ ] Yes [ ] No |
| Administrator/Designee | | [ ] Yes [ ] No |
| Special Ed Teacher | | [ ] Yes [ ] No |
| General Ed Teacher | | [ ] Yes [ ] No |
| Representative of district of residence | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |
| | | [ ] Yes [ ] No |

* If the parent did not attend the IEP meeting, describe effort to arrange a mutually agreed upon time and place. Include date, contact, and outcome of each effort.


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## E. Present Levels of Educational Performance for Students Ages 14-21

The present level of educational performance is an integrated summary of information from all sources including the student's family. Summarize and discuss parent information and student progress toward previous goals and objectives. Include the parents' perspectives and insights about their child's learning strategies, social skills, interests, and any existing medical diagnoses that are important contributions to creating a description of the whole child. The statement should include current information about the student's specific strengths and weaknesses, progress in the general education curriculum, unique patterns of functioning, and implications of the problem areas on the student's total functioning. Performance areas to be considered include the following:

- ✓ Cognitive functioning
- ✓ Communicative status
- ✓ Sensory status
- ✓ Emotional and social development, and behavior skills (including adaptive behavior, if applicable), ecological factors
- ✓ Academic performance
- ✓ Motor ability
- ✓ Health/Physical status

**Address the present level of performance in each of the following domains with documentation of student needs, preferences and interests and identified by what method this information was obtained.** (300.29(b))

**Jobs and Job Training**

By what method was this obtained:_____

**Recreation and Leisure**

By what method was this obtained:_____

**Home/Independent Living**

By what method was this obtained:_____

**Community Participation**

By what method was this obtained:_____

**Post-Secondary Training and Learning Opportunities**

By what method was this obtained:_____

**Related Services**

By what method was this obtained:_____


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**F. Annual Goals, Short-Term Objectives, and Characteristics of Services**

Use one page for each annual goal. Thoroughly state the annual goal. Annual goals should be reasonably achieved in one year and should be unique to the student. Related Services should appear ONLY as objectives that are integrated into the student's instructional program.

| **Annual Goal (behavior or skill, desired ending level of achievement, intent or purpose of the behavior):** | **Goal # _____ of _____ goals** |
|---|---|
| | |

**Short-Term Instructional Objectives and Characteristics of Services:**

List *objectives* for each goal including conditions under which the behavior is performed, the specific behavior, measurable criteria, evaluation procedures, and schedules for determining if objectives are being achieved (initiation date, dates for progress checks). The person responsible for monitoring progress will be added upon completion of Section J.

For each objective, consider and document the following *characteristics of services* information:
Does the performance specified in the objective(s) promote the child's involvement and progress in the general education curriculum?
How might services be modified to enable greater involvement and progress in the curriculum? Describe the needed modifications or adaptations.
If the child will not participate in the general education curriculum, provide a justification for the alternative selected. Describe the specially designed instruction (e.g., specially designed driver education) or supportive training related to the disability (e.g., braille instruction/occupational therapy).
Who will provide the modifications/adaptations OR the specially designed instruction/supportive training related to the disability described above?

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Progress reporting to parents will occur at least as often as reporting in general education (report cards). Written reports will be provided every:

[ ] 6 weeks [ ] 9 weeks [ ] Other schedule (specify:_____)

## G. Adaptation of Educational Services

Describe changes in educational services that will be made to permit successful accommodation and education of this student (e.g. grading, credits, staff, transportation, facilities, materials, braille, equipment, technology, adaptive devices, curriculum, methods, and other services). Include procedures for monitoring equipment, if applicable.

**Assistive Technology MUST be considered for each student with a disability.**
Does the student need assistive technology devices and services to access the general education curriculum (or FAPE)?

[ ] No [ ] Yes **If "Yes" is checked, explain.**

**Describe the student's participation in district-wide and statewide assessment.**

[ ] Student will participate without accommodations.

[ ] Student will participate with accommodations specified below: [Note: Some students may participate in portions of district/statewide assessments.]

[ ] Student will participate in alternate assessment. Justification for not participating in district or statewide assessments and the description of alternate assessment **must be provided**.

**Positive Behavior Interventions and Strategies.**

Does the Present Level of Educational Performance include a description of problem behavior that impedes the student's own learning or the learning of others? [ ] Yes [ ] No

Does the student's disability limit his/her understanding of school rules and consequences? [ ] Yes [ ] No

Does the student's disability limit or influence his/her ability to follow school rules? [ ] Yes [ ] No

**If "Yes" is checked for any of the above questions, then the components of a Behavior Intervention Plan must be documented.**

Documentation of Behavior Intervention Plan can be found: [ ] in goals and objectives [ ] in adaptations section [ ] in an attachment.

## H. Description of Activities with Students Who Are Not Disabled

**Physical Education.** Indicate type of physical education program that the student receives:

[ ] regular P.E. [ ] adaptive/specially designed P.E. (include specific goals and objectives on page 3)

**Participation in Academic and Nonacademic Activities:**
**Check any program options in the boxes below in which the student will be participating with students who do not have disabilities.**

**Program Options (300.305).** **Comments:**

[ ] Art
[ ] Industrial Arts
[ ] Music
[ ] Vocational Education
[ ] Home Economics
[ ] Other_____

**Nonacademic and Extracurricular Services and Activities (300.306).** **Comments:**

[ ] Counseling
[ ] Meals
[ ] Employment Referrals
[ ] Recess
[ ] Athletics
[ ] Recreation
[ ] School Sponsored Clubs
[ ] Special Interest Groups
[ ] Transportation
[ ] Other_____


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## I. Least Restrictive Environment Justification

This page is intended as a SUMMARY for all Goals, Objectives, Characteristics of Services, Adaptations, and Special Education and Related Services information included on pages 3 and 4. Check all settings in which the special education and related services will be provided. **Note: Use this setting information to determine the federal child count code and circle this code in Part C on front page of the IEP.**

FEDERAL CHILD COUNT CODE:

[ ] A. Regular Class
[ ] B. Resource Room
[ ] C. Separate Class
[ ] D. Public separate school (day) facilities
[ ] E. Private separate school (day) facilities
[ ] F. Public residential facilities
[ ] G. Private residential facilities
[ ] H. Correction facilities
[ ] I. Homebound/hospital environments

SETTING:

| | Percent of time/week |
|---|---|
| Regular Education | |
| Special Education (select if not 100% regular ed) | |
| [ ] limited special services (< than 21% of time/wk) | |
| [ ] resource room services (21-60% of time/wk) | |
| [ ] separate class services (> than 60% of time/wk) | |
| Integrated community | |
| Other _____ | |
| TOTAL | 100% |

Explain why options selected above are the most appropriate and the least restrictive. Describe other options considered, and provide reasons those options were rejected.

Is there a potential harmful effect to the student with this placement? [ ] Yes [ ] No

Is there a potential harmful effect to the student's peers with this placement? [ ] Yes [ ] No

If yes to either question, make sure the explanation for the selection of the placement option documents this concern for potential harmful effect.

## J. Special Education and Related Services

| *Services | Min./ Week | Starting Date (month/day/year) | Service Provider and Telephone | Location of Services Building Name AND Room (if another school district, provide district name) |
|---|---|---|---|---|
| | | | | |

* The duration of these services may not exceed one year (12 months) from the date of this IEP.

**Length of school day:**

[ ] The student will attend for the full school day.

[ ] The student will attend for a shorter or longer school day than peers. (Explain why this is necessary.)

**Extended school year MUST be considered for each student with a disability. Justification for the decision made MUST BE STATED BELOW**

[ ] The review of each goal indicates that an extended school year is needed.

[ ] The review of each goal indicates that services will be in effect for the normal school year.

[ ] The team needs to collect further data before making this determination and will meet again by _____

**Justification for the above decision:**



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**Student Name** _____ **School** _____

## Components of the Transition IEP for Students ages 14-21 (to be updated annually)

**Information on these three pages is to be updated each year such that these sections will continue to be part of the student's IEP each year until he/she graduates.**

### Post School Outcomes (ages 14-21)

(602(30)(A); Section 300.29 (a)(1))

| |
|---|
| **Employment** |
| **Community Participation** |
| **Recreation & Leisure** |
| **Post Secondary Training & Learning Opportunities** |
| **Independent Living** |

Total number of credits required by this district for graduation_____ Anticipated month and year of graduation _____

Will this student graduate with fewer credits than required of all students by the district? (300.122(3)(i)) [ ] Yes [ ] No

If yes, identify graduation adaptations_____

### Statement of Transition Service Needs (ages 14-21)

(614(d)(1)(vii)(I); Section 300.347(b)(1)(i))

| School Year | Grade Level | List Courses to be taken each year | Credits Earned |
|---|---|---|---|
| | Grade 8 | | |
| | Grade 9 | | |
| | Grade 10 | | |
| | Grade 11 | | |
| | Grade 12 | | |
| Ages 18-21 | | | |

**Student Name** _____ **School** _____

**Statement of Needed Transition Services (ages 16-21)**
(602(30)(c); 614(d)(1)(vii)(II); Section 300.29(a)(3)(i))

| Transition Services | Needs & Activities | Agency(ies) & Responsibilities | Provider & Payer |
|---|---|---|---|
| **Instruction:** Services not needed because – | | | |
| **Community Experiences:** Services not needed because – | | | |
| **Employment:** Services not needed because- | | | |
| **Related Services:** Services not needed because – | | | |
| **Adult Living & Post School** Services not needed because – | | | |
| **Daily Living:** (if appropriate) | | | |
| **Functional Vocational Assessment:** (if appropriate) | | | |

**Student Name** _____ **School** _____

**Agency Collaboration & Responsibilities* (ages 16-21)**
(614(d)(5); 300.347(a), 300.344 (b)(3)(ii))

| School Year | Grade Level | Needed Service(s) | Agency & Contact Person | Who will contact & when | Timeline for delivery of service(s) | Results & Outcomes |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

* If any agency identified by the IEP team fails to provide services, the IEP team must reconvene as soon as possible to identify alternate strategies and amend the IEP as necessary. Document date of reconvened IEP meeting and results.

**Transfer of Rights:** (615(m)1a-c); 300.517(a1-3))
At one year before the age of majority (18) the student and family must be informed of the educational transfer of rights.
Date of IEP meeting when transfer of rights was discussed _____

**Procedural Safeguards:**
Upon turning 18, document that the student was provided the "Procedural Safeguards in Special Education for Children & Parents" and that all rights as educational guardian were discussed.
Date of IEP meeting when procedural safeguards were discussed _____

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60